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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,128	08/07/2003	Thomas W. Hathaway	2003P04172 US01	2392

7590 06/01/2010

Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
THERIAULT, STEVEN B	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
06/01/2010	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS W. HATHAWAY

Appeal 2009-005192
Application 10/636,128
Technology Center 2100

Decided: June 1, 2010

Before JOHN A. JEFFERY, JOSEPH L. DIXON, and STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-30. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

Invention

Appellant's invention relates to a system for providing help information supporting at least one executable application. The system can comprise an interface processor for receiving user-entered data representing a help message conveying help information, a creation time indicator identifying a creation time of the help message, and an identifier for identifying a help information repository associated with the help message. A data processor can store the help message in the help information repository in order of creation by using the creation time indicator.

Abstract.

Representative Claims

1. A system for providing help information supporting user operation of at least one executable application, comprising:

an interface processor for receiving:

user entered data representing a help message conveying help information addressing a recorded problem encountered in using at least one executable application by providing information for eliminating or reducing said problem,

a creation time indicator identifying a creation time of said help message; and

an identifier for identifying a help information repository associated with said help message;

a user interface providing a display image including a help message and enabling a user to retrieve an additional document associated with a particular help message from said help information repository; and

a data processor for storing said help message conveying help information in said help information repository in order of creation by using said creation time indicator.

3. The system according to claim 1, wherein

said data processor automatically parses a help message and creates a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message and

said data processor automatically deletes said help message after expiration of a time period from a creation time.

18. A system according to claim 15, wherein

said command processor automatically parses a help message and creates a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message and

said at least one image presents messages conveying help information in time order of creation with a most recently created message being presented first.

Prior Art

Sullivan	US 6,999,990 B1	Feb. 14, 2006

Examiner's Rejections

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sullivan.

Claim Groupings

In view of Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1, 2, 3, 4, 12, and 18. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUES

(1) Has Appellant shown that the Examiner erred in finding that Sullivan discloses every limitation of claim 1?

(2) Has Appellant shown that the Examiner erred in finding that Sullivan discloses a "data processor [that] automatically deletes said help messages after expiration of a time period from a creation time" as recited in claim 3?

(3) Has Appellant shown that the Examiner erred in finding that Sullivan discloses "said command processor automatically parses a help message and creates a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message" as recited in claim 18?

FINDINGS OF FACT

1. Sullivan discloses a method for automated technical support in a computer network having a client machine, and at least one server from

which live help is available. The method initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents. Abstract.

2. Figures 13 through 20 illustrate a preferred embodiment of the support analyst desktop. Referring to Figure 13, an incident bar 121 contains icons for selecting among the incidents that may be open. The view tabs 123 provide four types of information that may be available for a currently-selected incident. These types include a Telemetry Explorer 122, a Map Explorer 124, a Content Browser 126, and a Message Center 128. Activation of a given view tab displays a given control screen. In Figure 13, the Telemetry Explorer panel is illustrated. An active journal panel 125 contains a record of activities performed on the selected incident, along with other information placed in the journal by the support analyst. Incidents are created when a user submits a problem to the system. Col. 12, ll. 45-58.

3. Figure 17 illustrates the Content Browser display panel 126 in more detail. The Content Browser is preferably web-based and allows the system analyst to search or browse content that might be related to or useful

in resolving the incident. Typically, the support organization sets up this home page to include a list of categories and subcategories with links to other pages. These links are traversed in the usual manner. The Content Browser includes a toolbar having an Add to Journal icon 146 that adds a reference to the currently displayed page in the active journal. The Run Map icon 148 runs the map described on the currently displayed page. The Send URL icon 150 inserts the URL of the current page at the end of a current message in the Message Center, as will be seen. When the end user receives the message, the title of the web page appears as an active link, and the user can then click the link to view the web page in a browser. A search box 152 is also provided. Figure 17; col. 13, ll. 44-60.

4. The Message Center panel 128 is illustrated in Figure 18. The Message Center allows the system analyst to send active messages to the end user and view active messages sent by the end user. The Message Center thus displays what has been said by the user, and what has been said in response by the system analyst. As the dialog proceeds, the information is recorded. Figure 18; col. 13, ll. 61-67.

5. Figure 19 illustrates the active journal functionality of the present invention. Generally, the system analyst can use the active journal to keep track of activities, important data, useful references, and other notes associated with an incident. When an incident is opened, the support desktop software automatically places two entries in the journal: the Customer's Problem Summary 160, which contains the problem description entered by the end user, and Incident Assigned 162, which records assignment of the incident to a given system analyst. Preferably, the support

desktop software also automatically inserts journal entries when a system analyst runs an additional map on the end user's system or removes the incident from the desktop. Figure 19 illustrates the active journal with such entries. Figure 19; col. 14, ll. 1-14.

6. Journal entries may be modified or deleted. In addition, the system analyst can use the journal to navigate within the incident. Col. 14, ll. 30-33.

7. Further, depending on how the site has published content, links back to journal entries may be created on content pages whenever a support analyst adds a content entry in a journal. These journal links may appear under a given heading. Moreover, a system analyst may backtrack from the pages displayed to examine what problems and troubleshooting processes have been related to the page in the past. When the analyst then clicks a journal link, a window appears to show the journal content. Col. 14, ll. 38-46.

8. When an incident is resolved by a system analyst, it is marked as resolved. Closed or "resolved" incidents may be reviewed using a History Browser 165, as illustrated in Figure 20. When the History Browser is selected, e.g., from a menu, it displays a list of the resolved incidents. That list includes a display area 166 that lists the incidents that have been resolved, and a problem synopsis 168, which displays summary information on an incident selected by the analyst. The system analyst may use the History Browser to identify other incidents that have been resolved. Each such incident may have an active journal associated therewith, as described above. Figure 20; col. 14, ll. 47-58.

9. Thus, by selecting an incident previously resolved by a first analyst, a second analyst can use the first analyst's journal to attempt to resolve an incident currently facing the second analyst. The active journal entries created by the first analyst (or perhaps others) will typically be quite useful. The overall result of this process of sharing information is a significant decrease in time for addressing a given incident, thereby enhancing operational efficiencies for the overall support organization. Col. 14, ll. 59-67.

10. Thus, in the preferred embodiment, when an analyst clicks on a journal link in a content page, the journal may be popped up in another dialog box. The analyst can then browse around the journal entries. If the analyst then clicks on the one of these entries, the system tries to find related data in the current (i.e., the working) incident. For example, if the analyst clicks on a "map results" entry in the journal, the system will try to find the results of that map in the current incident's telemetry. If that map has not been run for this incident, the support analyst is prompted to run the map. Likewise, if the analyst clicks on a piece of telemetry data that was copied to the Journal, the system will try to find the data in the current incident's telemetry. Again, if such data is not found, the system will prompt the analyst to run the map. Col. 15, ll. 1-15.

11. The active journal provides numerous advantages. Foremost, a system analyst may leverage the work of other analysts that have already been exposed to and dealt with a given incident. The journal, in effect, becomes a guide for solving the problem in the future. Moreover, because the journal will often include specific information that was used successfully

in the past (e.g., a given map), another system analyst already has information in the journal that either may solve the current incident or, at the very least, provide the analyst with a significant headstart in finding the desired solution. Using the journal, a given system analyst (e.g., an administrator) can associate a note (or some other content) with the journal, which may then be accessed by other analysts as the need arises. As has been described and illustrated, the journal itself is then useful as a navigation tool, or a vehicle for running maps, to drive the system analyst to the desired solution. During a live help session, conversations between the user and the system analyst are recorded, which can also be of assistance when viewed by other analysts. Further, the journal allows information from one incident to be manipulated (e.g., through a drag and drop interface operation), stored in the journal, and then made available for analysis and review by another analyst during another user's session. Of course, given the interactive nature of the journaling function, a given analyst may readily identify that other analysts have used a specific journal to address a given problem. This, in of itself, may lead to a faster response time. Col. 15, ll. 16-43.

12. As has been illustrated, preferably there is one active journal for each incident that shows that history of the incident. The journal automatically records the problem statement, support analyst assignment history, and map execution. During resolution of a given incident, the system analyst may add specific references to telemetry and other content. By adding these references to the journal of an incident, other support analysts can use this information when they view this incident in the History Browser. Col. 15, ll. 44-52.

PRINCIPLES OF LAW

Claim Interpretation

The *claims* measure the invention. *See SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). During prosecution before the USPTO, claims are to be given their broadest reasonable interpretation, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969).

Anticipation

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

ANALYSIS

Section 102(e) rejection of claims 1, 5-11, 13, and 14

Appellant contends that the active journal described by Sullivan is fundamentally different than "help information addressing a recorded problem encountered in using at least one executable application by providing information for eliminating or reducing said problem" as recited in claim 1, because the active journal is merely concerned with providing and transmitting messages indicative of a problem. Br. 10. However,

Sullivan describes that a system analyst can use information from a previously resolved incident stored in the active journal to help resolve a current incident. FF 1, 9-12. Appellant has not distinguished recorded information used to help resolve a current incident from "user entered data representing help information addressing a recorded problem encountered in using at least one executable application by providing information for eliminating or reducing said problem" as recited in claim 1.

Appellant contends that "Sullivan teaches a technical active journal for use by technical analysts in debugging errors in programs . . . . This is not equivalent to a USER oriented application operator 'system for providing help information supporting user operation of at least one executable application' as recited in" claim 1. Br. 13 (emphasis omitted). However, Appellant has not shown a limitation in the claim or a definition in the Specification of the term "user" that excludes a system analyst as described by Sullivan. We find that the system analyst described by Sullivan is a "user" within the meaning of claim 1.

Appellant contends that Sullivan does not provide an enabling disclosure of "a creation time indicator identifying a creation time of said help message" as recited in claim 1. Br. 14. Sullivan discloses recording and displaying the creation time of the resolved incident stored in the active journal. FF 8. Appellant has provided no evidence to show that recording the creation time of the resolved incident as disclosed by Sullivan would not have enabled a person of ordinary skill to implement "a creation time indicator identifying a creation time of said help message."

Appellant contends that Sullivan does not provide an enabling disclosure of a "user interface providing a display image including a help message and enabling a user to retrieve an additional document associated with a particular help message from said help information repository" as recited in claim 1. Br. 14-15. Sullivan discloses a user interface that displays a previously resolved incident stored in the active journal. FF 8. The stored incident includes a content browser containing links to other pages that are useful in resolving the incident. FF 3, 7, 10, 11. The display of a stored incident that includes links to pages useful in resolving an incident describes a "user interface providing a display image including a help message and enabling a user to retrieve an additional document associated with a particular help message from said help information repository" within the meaning of claim 1. Appellant has provided no evidence to show that displaying the stored incident with links to other pages as disclosed by Sullivan would not have enabled "user interface providing a display image including a help message and enabling a user to retrieve an additional document associated with a particular help message from said help information repository" as recited in claim 1.

We sustain the rejection of claim 1 under 35 U.S.C. § 102(e). Appellant has not presented separate arguments for the patentability of claims 5-11, 13, and 14, therefore, we group these claims with claim 1, and we sustain the rejection of claims 5-11, 13, and 14 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claim 2

Appellant contends that Sullivan does not disclose a "display image includes a link representative item enabling a user to retrieve said additional document and enables a user to retrieve help message information from said help information repository sorted by creation time using a creation time indicator" as recited in claim 2. Br. 16-17. However, the content browser of Sullivan describes "enabling a user to retrieve said additional document" within the meaning of claim 2. FF 3. Further, the help information contained in the recorded incident stored in the active journal is sorted by creation time as shown in figures 18 and 19 of Sullivan. Therefore, Sullivan describes "enables a user to retrieve help message information from said help information repository sorted by creation time using a creation time indicator" within the meaning of claim 2. We sustain the rejection of claim 2 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claim 3

Appellant contends that Sullivan does not disclose that the "data processor automatically deletes said help messages after expiration of a time period from a creation time." Br. 18. The Examiner finds that column 14, lines 30-33 discloses this limitation. Ans. 5. However, the cited section of Sullivan states that "Journal entries may be modified or deleted." FF 6. The Examiner has not shown that Sullivan describes that the "data processor automatically deletes said help messages after expiration of a time period from a creation time." Therefore, we cannot sustain the rejection of claim 3 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claim 4

Appellant contends that figures 12 and 19 of Sullivan merely show the listing and storage of a problem incident and neither figure discloses storing help messages that include help information for addressing a recorded problem. Br. 18-19. However, the incident that is stored in the active journal of Sullivan includes help information for addressing a recorded problem. FF 9-12. We sustain the rejection of claim 4 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claim 12

Appellant contends that Sullivan does not disclose help messages conveying help information addressing a recorded problem encountered in using at least one executable application by providing information for eliminating or reducing said problem as recited in claim 12. Br. 20-22. We find this argument unpersuasive as discussed in the analysis of claim 1.

Appellant contends that Sullivan does not disclose a user interface providing a display image presenting identified help messages ranked according to creation time and including a particular help message and a user selectable link enabling a user to retrieve an additional document associated with a particular help message from said help information repository. Br. 23. Appellant bases this contention on the premise that the system analyst described by Sullivan is not a user. However, we find this contention unpersuasive as discussed in the analysis of claim 1.

Appellant contends that Sullivan does not provide an enabling disclosure of "a creation time indicator identifying a creation time of said help message" as recited in claim 12. Br. 23. We find this contention unpersuasive as discussed in the analysis of claim 1.

Appellant contends that Sullivan does not provide an enabling disclosure of "a user interface providing a display image presenting identified help messages ranked according to creation time and including a particular help message and a user selectable link enabling a user to retrieve an additional document associated with a particular help message from said help information repository." In particular, Appellant contends that Sullivan merely allows system analysts to search or browse content related to resolving an incident. Br. 24-25. Appellant's contention appears based on the premise that a system analyst is not a user. We find this argument unpersuasive as discussed in the analysis of claim 1.

Appellant contends that Sullivan does not disclose a user interface providing a display image presenting identified help messages ranked according to creation time and including a particular help message and a user selectable link enabling a user to retrieve an additional document associated with a particular help message from said help information repository. Br. 25. The Examiner finds that figures 18 and 19 of Sullivan show this limitation. Ans. 9. The journal entries shown in figure 19 are ranked according to creation time. The journal entries for a resolved incident include information that is useful in resolving a current problem, which describes "help messages" within the meaning of claim 12. We agree with the Examiner that a given entry can be selected to retrieve additional

data, which describes "a user selectable link user selectable link enabling a user to retrieve an additional document associated with a particular help message from said help information repository" within the meaning of claim 12.

Appellant contends that Sullivan does not describe "a section indicator identifying a section of said help information repository associated with said help messages and said interface processor initiates searching of said help information repository to identify help messages in response to user command." Br. 25. The Examiner finds that Figure 19 and column 9 of Sullivan discloses this limitation (Ans. 8-9). Appellant has not addressed the Examiner's finding, and therefore the Appellant's contention is not persuasive of error in the Examiner's showing of anticipation. We sustain the rejection of claim 12 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claims 15-17 and 19

Appellant's contentions in support of patentability of claim 15 are similar to those presented in support of claim 1. Br. 26-32. We find these contentions unpersuasive as discussed above. We sustain the rejection of claim 15 under 35 U.S.C. § 102(e). Appellant has not presented separate arguments for the patentability of claims 16, 17, and 19, therefore, we will group these claims with claim 15, and we sustain the rejection of claims 15-17 and 19 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claims 18 and 26

Appellant contends that Sullivan does not describe that "said command processor automatically parses a help message and creates a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message" as recited in claim 18. Br. 32. The Examiner finds that Sullivan displays help messages and a diagnostic map. Ans. 12. However, the Examiner has not shown that Sullivan discloses "automatically parses a help message and creates a link" as recited in claim 18. We cannot sustain the rejection of claim 18 under 35 U.S.C. § 102(e).

Claim 26 recites "automatically parsing a help message and creating a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message." The Examiner finds that Sullivan displays help messages and a diagnostic map. Ans. 18. However, the Examiner has not shown that Sullivan discloses "automatically parsing a help message and creating a link" as recited in claim 26. We cannot sustain the rejection of claim 26 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claims 20-24 and 27-30

Appellant's contentions in support of patentability of claims 20-24 and 27-30 are similar to those presented in support of claim 1. Br. 33-73. We find these contentions unpersuasive as discussed above. We sustain the rejection of claims 20-24 and 27-30 under 35 U.S.C. § 102(e). Appellant has not presented separate arguments for the patentability of two groups 1) claims 24 and 27, and 2) claims 28-30, therefore, we will group these claims

together, and we sustain the rejection of claims 20, 21, 22, 23, 24, and 28 under 35 U.S.C. § 102(e).

Section 102(e) rejection of claim 25

Appellant contends that Sullivan does not disclose "enabling a user to retrieve said additional document." Br. 66. However, Sullivan discloses this limitation. FF 3, 7, 10, 11. Appellant contends that Sullivan does not disclose "enabling a user to retrieve help message information from said database sorted by creation time." Br. 66. However, the help information contained in the recorded incident stored in the active journal is sorted by creation time as shown in figures 18 and 19 of Sullivan. We sustain the rejection of claim 25 under 35 U.S.C. § 102(e).

CONCLUSIONS OF LAW

(1) Appellant has not shown that the Examiner erred in finding that Sullivan discloses every limitation of claim 1.

(2) Appellant has shown that the Examiner erred in finding that Sullivan discloses a "data processor [that] automatically deletes said help messages after expiration of a time period from a creation time" as recited in claim 3.

(3) Appellant has shown that the Examiner erred in finding that Sullivan discloses "said command processor automatically parses a help message and creates a link for retrieving said additional document by converting text into a hyperlink and inserting said hyperlink in a help message" as recited in claim 18.

DECISION

The rejection of claims 1, 2, 4-17, 19-25, and 27-30 under 35 U.S.C. § 102(e) is affirmed.

The rejection of claims 3, 18, and 26 under 35 U.S.C. § 102(e) is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART

msc

Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin NJ 08830